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Application No.: 10/646,466

Docket No.: JCLA11719

REMARKS**Present Status of the Application**

Applicant appreciates that the Office Action has allowed claims 10 and 11, and considered claim 9 to be allowable.

The Office Action rejected claims 5 and 6 under 35 U.S.C. 112, second paragraph. The Office Action also rejected claims 1, 5, and 6 under 35 U.S.C. 102 (b) as being anticipated by either Kobayashi (Fig. 7) or Hirakuni (Fig. 3). The Office Action rejected claims 12 and 13 under 35 U.S.C. 102(b) as being anticipated by Yoshida. The Office Action rejected claims 2-4 under 35 U.S.C. 103(a) as being unpatentable over Kobayashi or Hirakuni in view of Fujio (U.S. Patent 5,322,424) or Kousokabe (JP 60-128990). The Office Action also rejected claims 7-8 under 35 U.S.C. 103(a) as being unpatentable over Kobayashi or Hirakuni in view of Brown (U. S. Patent 3,130,902). The Office Action also objected specification. Applicant has amended specification and claims 1, 5, and 9. After entry of the foregoing amendments, claims 1 – 13 remain pending in the present application, and reconsideration of those claims is respectfully requested.

Discussion of Office Action Rejections

The Office Action rejected claims 1, 5, and 6 under 35 U.S.C. 102(b) as being anticipated by Kobayashi or Hirakuni. The Office Action also rejected claims 12 and 13 under 35 U.S.C. 102(b) as being anticipated by Yoshida (Fig. 1, JP1-247785). The Office Action rejected claims 2-4 under 35 U.S.C. 103(a) as being unpatentable over Kobayashi or Hirakuni in view of Fujio or Kousokabe. The Office Action also rejected claims 7-8 under 35 U.S.C. 103(a) as being

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unpatentable over Kobayashi or Hirakuni in view of Brown. Applicant respectfully traverses the rejections for at least the reasons set forth below.

1. The Office Action considers claim 9 to be allowable. Applicant has amended independent claims 9 to partially recite the features, which are distinguishable over the prior art references.

With respect to independent claim 1, the pressure equalizing device has been clearly recited. The pressure equalizing device is not disclosed by Kobayshi or Hirakuni. The effect of the pressure equalizing device has been described in specification, i.e. [0023]. Particularly, in some operation conditions, the second rotary compression element in pressure may be lower than the first rotary compression element. The pressure equalizing device can rapid to equalize the pressure, so that it can prevent, for example, the breakage of the vane due to overpressure in first rotary compression element.

Therefore, amended independent claim 1 has recited the allowable features to distinguish over the prior art references.

With respect to dependent claim 2-9, dependent claim 9 has been considered to be allowable, and dependent claims 2-8 have included the allowable features in independent claim 1, and should be allowable.

2. With respect to claims 12-13, the recited features include the expansion portion 100, as shown in FIG. 12. In FIG. 12, as for example described in [0118], with this expansion portion 100, the compression-starting-angle of the refrigerant gas in the upper cylinder 38 can be delayed till the end of the rotation direction of the roller 46 of the expansion portion 100. That is,

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the starting of compression of the refrigerant can be delayed merely due to the angle of forming the expansion portion 100 of the cylinder. Therefore, the expansion portion 100 is not disclosed or suggested by Yoshida and has non-obviously produced the unexpected results.

In other words, even if the first and second eccentric portions have the same dimension, and the first and second rollers have the same dimension, the expansion portion 100 allows the operation in desired efficiency. It is either not necessary to add more elements to achieve the desired functions.

The expansion portion has been recited in claims 12 as follows:

12. A multi-stage compression type rotary compressor comprising:
a sealed vessel;
an electrical-power element having a rotary shaft;
a first rotary compression element and a second rotary compression element driven by the electrical-power element;
a first cylinder and a second cylinder constructing the first and second rotary compressor elements; and
a first roller and a second roller eccentrically respectively revolving within the cylinders at a first eccentric portion and a second eccentric portion provided on the rotary shaft with a phase difference therebetween, wherein the electrical-power element, the first and second rotary compression elements, and the first and second rollers are arranged in the vessel,

wherein a refrigerant compressed and discharged by the first rotary compression element is sucked into, compressed and then discharged by the second rotary compression element, and

dimensions of the first and second eccentric portions are same, dimensions of the first and second rollers are same, and dimensions of the first and second cylinders are same, and

the second cylinder is expanded outwardly from a suction port in a range of a predetermined angle in a rotation direction of the second roller.

(Emphasis added)

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The similar features are also recited in claim 13 " ... *expanding the second cylinder outwardly from a suction port in a range of a predetermined angle...*"

In re Yoshida, Fig. 1 is specifically referred by the Office Action for rejection. Specifically, the inlet 24 is referred. *However, it is clear that Yoshida failed to disclose the expansion portion, such as the claimed expansion 100, around the inlet 24.*

The Office Action has referred the inlet 24 as the feature of "expanded outwardly". However, the structure of 24 is an inlet (see page 2, down right column).

Therefore, the claimed invention recited in claims 12 and 13 is not anticipated by Yoshida for at least the reason of not disclosing the expansion portion 100.

For at least the foregoing reasons, Applicant respectfully submits that independent claims 1, 12 and 13 patently define over the prior art references, and should be allowed. For at least the same reasons, dependent claims 2-9 patently define over the prior art references as well. Claims 10 and 11 have been allowed.

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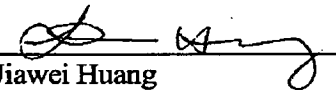
CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1-13 of the invention patentably define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,
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